

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

TRAVIS SUMPTER,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-00082

JOHN MCKAY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order entered August 1, 2006, and filed in this case on February 7, 2007, this action was initially referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and recommendation. Magistrate Judge Stanley submitted her proposed findings and recommendation as to the United States Marshal Service's Motion to Dismiss (Doc. No. 7) on April 6, 2007. (Doc. No. 30.) In that Proposed Findings and Recommendation, the magistrate judge recommended that this court grant the motion to dismiss and dismiss the United States Marshal Service as a party defendant. (Id. at 3.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's Proposed Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a

de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **FINDS** that the complaint fails to state a claim upon which relief can be granted against the United States Marshal Service. The court therefore **GRANTS** the motion to dismiss (Doc. No. 7) and **DISMISSES** the Marshal Service as a party defendant.

The Clerk is directed to forward copies of this written Memorandum Opinion and Order to counsel of record and any unrepresented parties.

It is **SO ORDERED** this 11th day of July, 2007.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge